

PROPOSALS,

For Obviating the Frauds of Appearand Heirs.



Ur Sovereign Lord Considering, the frequent Frauds and Disappointments, that Creditors do suffer upon the Decease of their Debtors, and through the Contrivances of appearand Heirs in their prejudice; For Remeid thereof, and also for Facilitating the Transmission of Heretage, in favours of both Heirs and Creditors; His Majesty with Advice and Consent of the Estates of Parliament, **STATUTES** and **ORDAINS**, That if any man serve himself Heir not to his Immediat Predecessor, but to one remoter, as passing by his Father to his Goodfire, or the like; Then and in that Case, he shall be lyable ~~not only~~ for the Debts and Deeds of the Person Interjected, to whom he might have been Served Heir, And who was in the Possession of the Lands and Estate to which he is Served for the space of _____ years, And that in so far as may extend to the value of the said Lands and Estate, and no farder: As also His Majesty with Advice & Consent foresaid, **STATUTES** & **ORDAINS**, That if any Appearand Heir for hereafter shal without being lawfully Served or Entered Heir, either possess his Predecessors Estate, or any part thereof, or shall purchase any right thereto: or to any legal Diligence or other Right affecting the same, whether Redeemable, or Irredeemable, otherways than when the said Estate is exposed to a lawful publick Roup, and as the highest Offerer thereat, without any Collusion, his foresaid Possession or Purchase shall be reputed a behaviour as Heir, and a sufficient passive Title, to make him represent his Predecessor universally, and to be lyable for all his Debts and Deeds, siklike as if the said appearand Heir Possessing or Purchasing as said is, were lawfully Served and Entered Heir to his said Predecessor. And farder, His Majesty vvith Advice and Consent foresaid, **STATUTES** and **ORDAINS**, That for hereafter any appearand Heir shall have free liberty and access to Enter Heir to his Predecessors, *Cum beneficio Inventarii*, or upon Inventory, as the use is in Executories and Moveables, Allovving still to the said appearand Heir, year and day to deliberat, In vvhich time, he may make up the foresaid Inventory vvhich he is to give up upon Oath full and particular, as to all Lands, Houses, Annualrents or other Heretable Rights vvhatsoever, to vvhich the said appearand Heir may or pretends to Succeed, vvhich Inventory to be Subscribed by him before Witnesses duely insert & designed, shal be given in to the Clerk of the Sheriff Court of the Shire, vvhere the Defuncts Lands and Heretage ly; Or incase the Defunct had no Lands or Heretage requiring Seasin^g of the Shire, vvhere the Defunct deceased; To vvhich Inventory the Sheriff, or Sheriff-Deput vvith the Clerk of the Court, shall also Subscribe in Judgement, and Record the same in their Registers, and give Extracts thereof, for all vvhich the up-giver of the said Inventory, shal pay no more to the Court and Clerk thereof, on any account, then the ordinary Price of Extracts in that Court, for an Extract of the said Inventory, and this Inventory is to be given in Recorded, and Extracted as said is, within the said year and day to

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Deliberat, and thereafter the foresaid Extract thereof shal within fourty days after the Expiration of the said year and day be again presented, and Registered in the Books of Council and Session in a particular Register, to be appointed by the Clerk Register for that Effect; and the appearand Heir Entering by Inventory in manner foresaid, is hereby Declared to be only lyable to his Predecessors Debts and Deeds, *Secundum vires Inventarii*, and in as far as the value of the Heretage given up in Inventory will extend, and no farther; providing always, likeas it is hereby specially provided, that if the aforesaid appearand Heir shal have any Intromission with the Defuncts Heretable Estate, or any part thereof, otherways than necessary Intromission for Custody and Preservation before his giving in, Recording, and Extracting of the said Inventory in manner foresaid; or if he shal Fraudfully Omit any thing out of the said Inventory, that is, which yet he shal be found to have Intromitted with or Possessed, then and in either of these cases he shal lose the Benefit of the Inventory, and be Universally lyable as if entred Heir without Inventory: And farther, that if any part of the said Heretable Estate shal be without Fraud Omitted to be given up by him, in the foresaid Inventory, and shal not in the mean time be affected by the Diligence of a lawfull Creditor, he shal have Liberty so soon as he comes to the knowledge thereof, and within _____ days thereafter, to make an Eik of the same to the said Inventory, which Eik is to be made and Subscribed, given in and Recorded, in the same manner with the Principal Inventory above-mentioned. And lastly it is hereby Declared, that appearand Heirs, if they please may Enter without Inventory, as formerly in all Points, and that whether they Enter with or without Inventory, They are still to Enter by Service and Retour, or by Precepts of *Clare constat* in manner formerly accustomed.

By Order of the Committee of Parliament, for Security of the Kingdom.

